

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>PRELIMINARY ORDER OF</u>
	:	<u>FORFEITURE/MONEY JUDGMENT</u>
-v.-	:	
	:	S3 16 Cr. 371 (RA)
GARY HIRST,	:	
	:	
Defendant.	:	
	:	
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WHEREAS, on March 26, 2018, GARY HIRST (the “Defendant”), was charged in a four-count Indictment, S3 16 Cr. 371 (RA) (the “Indictment”), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff (Count Two); conspiracy to commit investment adviser fraud, in violation of Title 18, United States Code, Section 371 (Count Three); and investment adviser fraud, in violation of Title 15, United States Code, Sections 80b-6 and 80b-17 (“Count Four”);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Four of the Indictment seeking forfeiture to the United States, pursuant to 18 U.S.C. Section 981(a)(1)(C) and 28 U.S.C. section 2461(c), which authorize the forfeiture of any and all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Four of the Indictment;

WHEREAS, on or about May 15, 2018, the Defendant pled guilty to Counts One through Four of the Indictment;

WHEREAS, the Government asserts that \$1,300,000 in United States currency represents the amount of property traceable to the commission of the offenses charged in Counts One through Four of the Indictment that the defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$1,300,000 in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Four of the Indictment that the defendant personally obtained; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Count One through Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$1,300,000 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Four of the Indictment that the defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, GARY HIRST, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the “United States Marshals Service,” and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew’s Plaza, New York, New York 10007, and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

6. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture as to Money Judgment, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

8. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander Wilson, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
_____, 2018

HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK